

Written Testimony of Lisa Ruby
On behalf of the Michigan Poverty Law Program

House Standing Committee on Families, Children, and Seniors

Hearing on HB 4041

March 11, 2015

Good afternoon Chairman Hooker and members of the House Committee on Families, Children, and Seniors. Thank you for the opportunity to testify today on House Bill 4041. I am Lisa Ruby, the public benefits attorney at the Michigan Poverty Law Program (MPLP). The Michigan Poverty Law Program is the statewide support center for legal services programs in Michigan. As the public benefits attorney at MPLP, I provide research, training, and litigation support to legal services offices statewide, and engage in legislative and administrative advocacy. In providing support to legal services attorneys throughout the state, I regularly come in contact with attorneys working with recipients of cash assistance who have school-aged children and am familiar with the challenges these families face on a daily basis. I am here to express my concerns with the proposed bill and why it will negatively impact Michigan's most vulnerable families. My main concerns are the vagueness of the statute, the lack of due process, and the severity of a full family sanction.

HB 4041 would impose a full family sanction if a child under the age of 16 is not in compliance with compulsory school attendance as outlined in MCL 380.1561. If we turn to the cited law, it defines school attendance as "consecutive and continuous for the school year as fixed by the school district". The proposed law offers no guidance as to how the Department of Human Services (DHS) would implement this policy or how it would interpret "consecutive and continuous". For guidance on what policies might be put in place by the agency, we can look at

children in school and they are also mandated by law to involve parents in the education of their children. MCL 380.1295². To ask what would likely be a receptionist/secretary to check a box on a form that decides whether or not a child is attending school full-time does not give credit to the subjective process that educators are involved in. It is not a yes or no question. In addition, there is nothing to guarantee that a school will comply with this requirement, as school administrators have informally stated that this type of monitoring is not germane to their basic mission, it burdens school staff, and they have concerns about privacy and liability.

Second, there is no ability for a parent/caretaker to explain a situation where a student has been labeled truant or not attending “full-time”. There are only boxes to check. The current policy contained in BEM 245 provides no ability to request a hearing or even an informal meeting. This contrasts with other DHS programs. For example, for purposes of participation in DHS’s work program, an individual has the opportunity to claim “good cause” for an alleged

² **MCL 380.1295 Parental involvement contracts.**

- (1) School districts are encouraged to develop and implement parental involvement contracts with parents of pupils. These parental involvement contracts should be voluntary and should be designed to encourage and facilitate a parent's involvement in his or her child's education.
- (2) Not later than 90 days after the effective date of this section, the department shall develop and make available to school districts a model parental involvement contract that may be used for the purposes of subsection (1). The model parental involvement contract shall establish a learning partnership between parent, teacher, and pupil, and shall address at least all of the following:
 - (a) That the pupil's parent or guardian will do all of the following:
 - (i) Review homework assignments and offer assistance when needed.
 - (ii) Ensure that the pupil gets to school each day, on time and ready to learn.
 - (iii) Demonstrate interest in the pupil's well-being by attending school functions and supporting the pupil's school activities.
 - (iv) Make every effort to attend parent-teacher conferences.
 - (b) That the pupil will do all of the following:
 - (i) Participate in class discussions and complete assignments in a manner that is accurate, neat, and timely.
 - (ii) Come to school each school day and be on time.
 - (iii) Pay attention in class and complete assigned lessons.
 - (iv) Obey the rules and codes of conduct set for the classroom.
 - (v) Respect teachers, school administrators, and other pupils at all times by not antagonizing, intimidating, or threatening them.
 - (c) That the teacher will do all of the following:
 - (i) Set high standards for quality instruction that promote development of grade-appropriate academic skills.
 - (ii) Keep accurate attendance records and inform the parent or guardian promptly if an attendance problem starts to develop.
 - (iii) Teach pupils how to study and review basic concepts taught in class.
 - (iv) Maintain a welcome atmosphere and scheduling flexibility toward parent or guardian visits and participation.
- (d) That the contract should include a way for the pupil's parent or guardian to explain any obstacles that prevent him or her from complying with the contract.
- (3) If a parental involvement contract includes an explanation described in subsection (2)(d), school officials shall consider accessing possible resources to help overcome the obstacles identified by the parent or guardian.

History: Add. 2001, Act 29, Imd. Eff. June 28, 2001

Popular Name: Act 451

on the actions of one member, a dependent child. This could be a 15 year old child who is religiously dropped off at school every day but then walks out after first hour, or arrives late and is considered absent. Some districts deem tardiness as an absence. Parents may be unaware that an older child is not staying in school or they may not be able to control the child's behavior. This law offers no protection to a family who then becomes subject to the whim of one individual, a minor child who should never be put in the position of having this much power. Essentially, the survival of an entire family could rest on the decisions of a 14-year-old. DHS policy already permits the individual disqualification of a 16 or 17 year old from the group. Is a parent any more in control of a 15 year old? 14? It's hard to know what goal this law is aspiring to achieve, since once a family has its entire grant terminated, the family's sole focus will become survival, not the education of its members.

Please consider the objections that have been raised to this proposed legislation. I urge this committee to consider the harsh impact it will have on Michigan's poor and low income population at a time when many families are already suffering financially. If the state truly wants to assist poor families in keeping their children in school, there are other programs already in place to address this issue or a more thorough process needs to be mandated.

Case Name:
Case Number:
Date:
DHS Office:
Specialist / ID: /
Phone:
Fax:
Individual ID:

STATE OF MICHIGAN
Department of Human Services

If you do not understand this, call a DHS office in your area.
DHS employees are prohibited by law from providing legal advice.
Si usted no entiende esto, llame a una oficina de DHS en su área.
La ley prohíbe a los empleados de DHS proporcionar asesoría legal.
إذا واجهت صعوبة في فهم هذا الطلب، فاتصل بمكتب DHS الموجود في منطقتك.
يحرم القانون على موظفي DHS إعطاء النصيحة القانونية.

ENTER ADDRESSEE NAME
ENTER ADDRESSEE CARE OF
ENTER ADDRESSEE PO BOX OR STREET
ENTER ADDRESSEE CITY/STATE/ZIP

Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.
AUTHORITY: Act 280 of 1939, as amended, and Title IV and XIX of the Social Security Act.
COMPLETION: The school administration's voluntary cooperation is requested.
PENALTY: None for the school administration's refusal to fill out form. However, failure of school to provide information may result in denial, reduction, or loss of assistance for client.

VERIFICATION OF STUDENT INFORMATION

Student Name	Student's Birthdate	Date Completed
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CLIENT INSTRUCTIONS & RELEASE OF INFORMATION:

- It is necessary to verify school enrollment, attendance and progress for students who are receiving or applying for public assistance. For the Family Independence Program, all children between the ages of 6-18 are expected to be attending school full-time or benefits may be denied, reduced, or terminated.
- This form must be completed by the school. Sign below, then take or mail the form and the return envelope to the school.
- It is your responsibility to have the form completed and returned to your worker by _____ or your benefits may be denied, reduced, or terminated.

To school official: You are authorized to release the information requested below to the Department of Human Services.

Client Signature	Date
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INSTRUCTIONS FOR SCHOOL OFFICIAL:

We are requesting your help in verifying enrollment, attendance and progress of the above-referenced student. Please complete the information on the back of this form and return it to our office. A stamped self-addressed envelope has been enclosed for that purpose.

TO BE COMPLETED BY SCHOOL OFFICIAL:

1. Name of School	
Address of School	City
2. Name of Responsible Person With Whom the Student is Residing	3. Relationship to Student
4. Address of Student's Home	City
5. Enrollment Status: <input type="checkbox"/> FULL TIME STUDENT <input type="checkbox"/> HALF TIME STUDENT <input type="checkbox"/> LESS THAN HALF TIME <input type="checkbox"/> NOT CURRENTLY ENROLLED	
6. Attendance: <input type="checkbox"/> REGULARLY ATTENDING <input type="checkbox"/> ATTENDING SOMETIMES <input type="checkbox"/> NOT ATTENDING If not regularly attending, is absence due to disability or periods of extended illness? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Since (Give Date)	

Case Name	Case Number	Specialist
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7. Type of Program <input type="checkbox"/> K-12	<input type="checkbox"/> COLLEGE OR UNIVERSITY	<input type="checkbox"/> VOCATIONAL TRADE OR TECHNICAL TRAINING <input type="checkbox"/> YES <input type="checkbox"/> NO Is a High School diploma/GED Required for this program	
8. Curriculum or Major	Participating in Work Study <input type="checkbox"/> YES <input type="checkbox"/> NO	School Year/Term/Semester Begin Date	End Date
9. Degree Being Pursued: <input type="checkbox"/> HIGH SCHOOL DIPLOMA	<input type="checkbox"/> ASSOCIATE OF ARTS DEGREE <input type="checkbox"/> B.A./B.S	<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OTHER (Specify)	Expected Date of Completion/Graduation

21 Day Compliance Test

<input type="checkbox"/> Complete if box is checked	
10. Has the child regularly attended all school days for the past 21 calendar days? <input type="checkbox"/> Yes <input type="checkbox"/> No	

11. Comments			
12. Signature of School Official	Title	Phone Number	Date